IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT

LASALLE COUNTY, ILLINOIS

JULIA EICKMEIER,)
)
Petitioner,)
v.) Case No. 14-OP-37
)
KEVIN KRAMER,)
)
Respondent.)

ORDER OF PROTECTION

REPORT OF PROCEEDINGS of the hearing before ASSOCIATE JUDGE MICHAEL C. JANSZ, Presiding Judge of the LaSalle County Courthouse, Ottawa, Illinois, on May 20, 2015.

APPEARANCES:

Ms. Julia Eickmeier

appears Pro Se;

Mr. Robert Steele
Attorney at Law

on behalf of the Respondent.

REPORTED BY:
Cindy M. Forth, C.S.R.
Official Court Reporter
Ottawa, IL 61350
License #084-002530

THE COURT: Let the record show this is Julia Eickmeier v. Kevin Kramer. It's 2014-OP-37. The matter is before the Court for a hearing on a plenary Order of Protection. Ma'am, would you please state your name for the record.

MS. EICKMEIER: Julia Eickmeier.

THE COURT: Counsel, would you please identify yourself and your client for the record.

MR. STEELE: Robert Steele appearing for the respondent Kevin Meyer (sic).

THE COURT: Kevin Kramer.

MR. STEELE: Kramer, I'm sorry.

THE COURT: That's okay.

It's up today for the hearing. I just wanted to make sure that everybody was on the same page. Are you ready to proceed today, ma'am?

MS. EICKMEIER: Yes, sir.

THE COURT: And, counsel, will you be ready to proceed today?

MR. STEELE: Your Honor, she filed a addendum which I received, well, it was on Friday although I did not see it until Monday. In that addendum, she refers to other incidences giving dates but no details. So as to those incidents which have no details in the petition, I would

object to any evidence being presented upon that.

THE COURT: Well, I guess my only concern with that is that in the May 8 order she had, specifically, said she wanted to file an addendum to her petition because there were more things that she says she didn't put in that she wanted to, and the order of May 8 that I signed did give her until May 14 to file the addendum and she did file it on May 14. If you wish to have time to review it, that I understand but I think she filed the addendum in conformance with the request and the order.

MR. STEELE: My objection is to at the bottom of page 2 she says there's four more incidents and gives dates without any description of what the allegations are. As to that, I am unable to answer or otherwise respond, and I think it would be a disadvantage to me for her now to present evidence upon those incidences. The other ones with which I, at least, have some idea what she's talking about, I can respond to. But as to those other incidences, without any type of factual basis, I would raise an objection as to the pleading.

THE COURT: Just I want to make sure I understand your objection. So your objection is that her addendum is not specific enough for you to be able to answer it? Or for you to present evidence on it today? Cause usually I don't

get answers to Orders of Protection.

MR. STEELE: No. As to -- she has at the bottom of page 2, there's four more incidences and gives four dates without any suggestion as to who or what was involved.

THE COURT: Oh, I see.

MR. STEELE: And as to those incidences, I would --

THE COURT: Understood.

MR. STEELE: -- object and ask that there would be no evidence presented upon those.

THE COURT: Okay. Basically, Mr. Steele's concern with your addendum is that while it's two full pages, at the bottom of the last page either you ran out of addendums or you ran out of energy, but it says there are four more incidents and you list dates but it doesn't say what happened, and so Mr. Steele is not able to anticipate what that might be. I don't think he's objecting, specifically, to the rest of it as far as notice and ability to be prepared. It's just that last sentence on the last page.

I think that what I'll -- anything you want to say with regard to that, ma'am?

MS. EICKMEIER: I just ran out of room. That's why I listed the specific dates and it's only four.

THE COURT: Right. Well, I think that at this point I'll deal with that as it comes up. It's important to

remember that the Court did have a prior hearing on an Order of Protection which the Court denied, and this Order of Protection was neither granted or denied but was set for hearing, and it's not my intention to retry incidences that were already dealt with at the prior Order of Protection because they've already been dealt with. So I, at this point, am not clear what you're going to claim as your allegations but you do intend to represent yourself in this?

MS. EICKMEIER: Yes, your Honor.

THE COURT: Okay. Well, what I'm going to do is I have one other case on my morning call that is supposed to be for a prove-up on a partial agreement and rather than start this hearing immediately and have those people spend their morning in the hall, I'm going to call them in and see where they're at. Their agreement should take five minutes. Your hearing's going to take considerably longer.

I will not be available to do this hearing this afternoon. I have two felony criminal matters so, hopefully, we'll be able to get this done this morning, okay. So if you would just take a short break in the hall, as soon as I finish this other matter, I'll call everybody back in and we'll get started.

(Recess taken.)

(Court reconvened after recess.)

THE COURT: Let the record show this is Julia Eickmeier v. Kevin Kramer. It's 2014-OP-37. The matter is before the Court for a hearing on a plenary Order of Protection. The record should show that we were in court just a few minutes ago. I'd taken a break because I was going to do an agreement on another case. I've been advised that the attorney went back to her office to work on the paperwork. So I'm sort of in a spot where if I wait for her, I end up wasting time and if I start, she might show up right after we get started. But since I'm more interested in getting things done, I'm going to start this one and if we have to take a break, we'll have to take a break.

I've also received a new emergency Order of Protection that I will have to take care of sometime before lunch but, hopefully, we'll be able to get things accomplished.

Ma'am, would you please state your name for the record.

MS. EICKMEIER: Julia Eickmeier.

THE COURT: And, counsel.

MR. STEELE: Robert Steele appearing for respondent Kevin Kramer.

THE COURT: Okay. The matter is set today for a hearing on a plenary Order of Protection. The Court did not

grant the emergency Order of Protection. I've explained this, I'm sure, in the past because the parties have been before me one other time. On an Order of Protection the burden of proof is on the person who filed the petition. So, Miss Eickmeier, you have the burden of proof. The burden of proof in a civil case is by something called a preponderance of the evidence. What that means in regular person's language is that you must show that it's more likely true than not that Mr. Kramer violated the Domestic Violence Act and that he caused abuse as defined by the Act.

When a case like this starts, the two of you are not on equal footing. Right now Mr. Kramer is a little bit ahead. If you think about it in terms of the scales of justice, the scales tip slightly in Mr. Kramer's favor and that's because Miss Eickmeier has the burden of proof. As evidence is put into the case, the scales start to shift. At the end of the case, the Court will look at all of the evidence, the scales, if you will, and will determine what should happen. If the scales tip in favor of Miss Eickmeier, the Court will grant an Order of Protection. If the scales tip in favor of Mr. Kramer, the Court will deny the Order of Protection.

If at the end of case the scales are tied or the Court is not sure what happened, the Court denies the Order

of Protection. Because when you have the burden of proof, it's not enough to tie. You actually have to tip the scales in your favor.

Even though you're representing yourself, you still have to follow the same rules that lawyers do with regard to presenting evidence and things like that. And so you previously indicated your desire to represent yourself, so are you ready to go?

MS. EICKMEIER: Yes, your Honor.

THE COURT: All right. Do you intend to testify in your own behalf?

MS. EICKMEIER: Yes.

THE COURT: Do either of the two individuals in the back -- are they going to be witnesses?

MR. STEELE: They might be, your Honor.

THE COURT: All right. At this point the Court would ask that anyone who might be a witness be excluded. The Court wants to have the confidence of knowing that people testify based on what they know as opposed to what they heard someone say on the witness stand. So if the two individuals might be witnesses, I would ask that, at this point, they step out in the hall and then if they're needed to testify, they'll be called. Thank you.

All right, ma'am, would you come forward, please,

raise your right-hand and be sworn in.

JULIA EICKMEIER

(being first duly sworn, upon oath testified as follows:)

MS. EICKMEIER: Should I bring my stuff with me?

THE COURT: Do you have any objection to her bringing up her binders of information?

MR. STEELE: If she were to use it to testify from, I'd like to review it.

THE COURT: I don't know why she wants it except that she probably does want to be able to review it. Technically, the way the rules work is you cannot use anything on the witness stand just to read or to refresh your memory unless your memory's exhausted, and there are specific protocols that have to be followed if your memory's exhausted.

I'm going to let you bring it up here because if I don't, it's going to be a week-long hearing because you're going to keep wanting to look at it and Mr. Steele's going to want to keep looking at it.

MS. EICKMEIER: I made copies of everything.

THE COURT: If you want to give him a copy, it's up to you. But right now I'm just going to have you take the witness stand and we'll go from there.

All right. Please state your name for the record.

MS. EICKMEIER: Julia Eickmeier.

THE COURT: Please tell me what it is that you want me to know.

MS. EICKMEIER: I would just like to explain and submit evidence to the incidents that I listed on both the initial request for the Order of Protection and the addendum.

THE COURT: Your obligation is to present testimony and whatever evidence you wish the Court to consider.

MS. EICKMEIER: Okay. I was just going to start from the beginning, your Honor.

THE COURT: Go ahead.

MS. EICKMEIER: Okay. I have -- well, the thing is I made copies of all the police reports but not the medical records. Could we make copies here, your Honor?

THE COURT: That's not how it works, ma'am. I can't tell you what you can and can't do as a judge. I have to stay neutral. If I start giving you advice, then it's not fair to Mr. Kramer because I'm no longer neutral. Your obligation is to present the evidence. If there's an objection by Mr. Steele, he'll object. But, otherwise, you just need to present the evidence. I don't know how to explain it any other way.

MS. EICKMEIER: Okay. Well, I am requesting an

Order of Protection or Order of Protection based modification to the visitation order on behalf of Madeline Kramer due to these events here. In the very beginning, the first one I had, the 2/12/15, Madeline came back from visiting her dad and his parents and I listed her symptoms that I found concerning enough to take her to the hospital and I have these records here. It's kind of graphic for me to talk about really.

MR. STEELE: Can I see those records, your Honor, she's referring to?

THE COURT: If you want to.

MS. EICKMEIER: Do you want to see it, your Honor?

MR. STEELE: I don't think it's appropriate, your Honor.

THE COURT: The way it has to work, ma'am, is you have to ask -- you have to have it marked as an exhibit. Mr. Steele has to be given the opportunity to object and then I have to rule on whether it's proper evidence.

MS. EICKMEIER: Okay.

THE COURT: Are you asking that it be marked?

MS. EICKMEIER: Yes, your Honor.

THE COURT: Then I will mark it with a post-it as Petitioner's Exhibit 1 and, just for the record, it is an emergency room report dated February 12 of 2015. It's in a

plastic sleeve but it appears to be a two-page report.

Mr. Steele, do you object to that document?

MR. STEELE: Subject to cross-examination, your Honor. Or, yes, I object to it at this point.

THE COURT: Well, the objection is sustained. The document is hearsay. Hearsay, ma'am, is an out-of-court statement made by someone with regard to the truth of what's being asserted. Your petition alleges that the minor sustained physical injury as the result of her visitation with her father. The report you've submitted is from an emergency room and though I do not know what it says, anything in it would be hearsay because Mr. Steele cannot cross-examine the doctors or nurses who prepared the report and, therefore, Exhibit 1 is not admissible. Objection sustained.

MS. EICKMEIER: Okay. The second piece of evidence is from Perry Memorial Hospital. It's dated 11/18/2013. Madeline displayed symptoms, the minor child, of redness and swelling to genital area.

MR. STEELE: I'll object, your Honor, as she's reading from the report. Ask that her testimony be stricken.

MS. EICKMEIER: Can I submit these for evidence, your Honor?

THE COURT: Court will mark as Petitioner's Exhibit

2 a group of documents from Perry Memorial Hospital.

MS. EICKMEIER: And these are all after she was with Kevin Kramer or his parents. After the minor child was with him.

THE COURT: It consists of 32 pages. It appears that there are two different groups of records contained within Petitioner's Exhibit 2.

MR. STEELE: Can I look at that?

THE COURT: Counsel, do you object to Petitioner's Exhibit 2?

MR. STEELE: I would just like a minute to review them, your Honor.

THE COURT: All right.

MR. STEELE: I do object, your Honor.

THE COURT: Basis?

MR. STEELE: No foundation. They're hearsay and, also, these date back to 2013. As the Court will recall, we've already had an Order of Protection hearing, I believe, in April of 2014 which covered all these areas.

MS. EICKMEIER: No.

THE COURT: Well --

MS. EICKMEIER: These were not on that petition.

THE COURT: Okay. Well, that argument aside, the Court does find that these documents that you've submitted do

constitute hearsay and, therefore, they are not admissible so the objection to the admission of Petitioner's Exhibit 2 is sustained.

MS. EICKMEIER: Okay.

THE COURT: So these are not admissible.

MS. EICKMEIER: All righty. I'd like to address my addendum. So on April 18, 2015, me and my daughter, the minor child, were being harassed by Mr. Kramer's parents in a public place. And they were following me and I asked them to leave me alone and after I got in my car, they continued to approach me and began banging on my car windows. I consider that harassment cause I've, specifically, asked them to leave me alone. And I have had multiple problems with harassment by them in the past and I have a police report.

MR. STEELE: So the record's clear, your Honor, I believe that they are not a party to this --

THE COURT: They are not.

MR. STEELE: -- action.

THE COURT: They are not.

Go ahead, ma'am.

MS. EICKMEIER: On January 18, 2015, Mr. Kramer hit me in front of the minor child Madeline during visitation. I have police reports of that, and I consider that harassment and intimidation of a minor and interference with personal

liberty of myself. And I have the police report for that, your Honor, and put this as evidence.

THE COURT: Court will mark as Petitioner's Exhibit 3 a packet of information that's a Peru police report consisting of eight pages.

Counsel.

MS. EICKMEIER: I have copies of that, your Honor.

THE COURT: Do you object?

MR. STEELE: I do object, your Honor.

THE COURT: Okay. Objection sustained.

Once again, ma'am, a police report is hearsay because these are statements by police officers who did an investigation who are not present to testify, and Mr. Steele and Mr. Kramer do not have the ability to cross-examine them with regard to the incidents that you're relying on. So Petitioner's Exhibit 3 admission is denied.

MS. EICKMEIER: Okay. Well, I guess, basically, every police report would be considered the same thing, hearsay, correct?

THE COURT: Yes, ma'am. I mean, hearsay is any out-of-court statement made to establish the proof of the matter being asserted --

MS. EICKMEIER: Okay.

THE COURT: -- and police reports are hearsay.

MS. EICKMEIER: Well, since I don't have any witnesses but myself today, I can just state a short testimony and --

THE COURT: Go ahead.

MS. EICKMEIER: -- cross-examine the defendant.

THE COURT: Go ahead and state your testimony, ma'am.

MS. EICKMEIER: Okay. My testimony is as an advocate on behalf of the minor child between the parties, Madeline Kramer. I am standing up for her for the abuse that she is experiencing and that I am experiencing in front of her. She does come back from visitation with Mr. Kramer with symptoms that can't be confirmed nor denied to be sexual abuse. Just the symptoms listed by level 3 hospitals in the area.

MR. STEELE: I'm going to object to this, your Honor. It's a general statement without any foundation and it consists of conclusions.

THE COURT: Well, it'll go to the weight. I mean, you are relying on some hearsay when you make that statement, but I'm going to let her testify because it'll be easier and it'll go to any weight the Court decides to give it.

Go ahead, ma'am.

MS. EICKMEIER: I have a letter from a doctor here

stating that the hospitals here in this area are not capable of confirming nor denying sexual abuse because of their level 3 hospital and --

MR. STEELE: I'm going to object to the hearsay nature of this testimony, your Honor, and I'd ask it be stricken.

MS. EICKMEIER: I have a letter from the doctor.

THE COURT: Well, overruled. It doesn't hurt your client. I mean --

MR. STEELE: It does not. I agree, your Honor.

THE COURT: I mean, she's pro se.

MR. STEELE: She's basically stating an expert opinion from an unknown doctor.

THE COURT: She's basically testifying that she can't confirm or deny abuse.

MR. STEELE: That's true.

THE COURT: She has the burden of proof. Overruled.

MS. EICKMEIER: All they are able to say is and verify that there are signs of redness, genital -- to the genitals, swelling to the genitals present after visitation with Mr. Kramer. And from my experience, more like when he has taken her to his parents' house, his mother's house.

One second please. I have here a written letter

from Madeline's doctor at the Community Health Partnerships of Mendota.

THE COURT: Do you want that marked?

MS. EICKMEIER: Yeah, can I submit this as evidence please, your Honor?

THE COURT: Petitioner's Exhibit 4 will be a letter from -- apparently, the doctor's name is Amy Barudin, B-a-r-u-d-i-n. This appears to be a two-page report, medical report.

Mr. Steele, if you want to look at that. Do you object to this document?

MR. STEELE: We do, your Honor.

THE COURT: Objection is sustained. It will not be admitted. Once again, this is a document from someone who is not here offering testimonial evidence by way of a document that Mr. Steele cannot cross-examine and so that is not admissible under the rules of evidence.

MS. EICKMEIER: Okay. Without my witnesses present, I don't know much else I can say in regards to these documents. They couldn't be here today because they have work, your Honor.

I just have concerns for my daughter's safety with Mr. Kramer for multiple reasons. He is abusive to me. He lays his hands on me in front of her multiple times. He's

just abusive, in general. There's -- I have multiple police reports when I reported these incidents, but they can't be submitted as evidence right now.

My mom has conversed with Mr. Kramer confirming that --

MR. STEELE: Your Honor, I'm going to object to what her mother, who is not present, may have said.

THE COURT: Sustained. Once again, you're using your mother to testify to something. Your mother's not here for Mr. Steele to cross-examine. It's hearsay.

MS. EICKMEIER: Okay. I don't really know what else I can say to prove my evidence.

THE COURT: Do you have anything more you wanted to say? If not, I'll give Mr. Steele the opportunity to cross-examine you. But I don't want you to feel like you can't say what you want to say.

MS. EICKMEIER: Okay. Another concern, your Honor, is Mr. Kramer's mother, Mary Kramer, has put a no trespassing order on me from her house, and Mr. Kramer takes the minor child there and they are withholding my child from me hiding her there. I can't have access to her and I have a note here from Kevin Kramer, pictures of him signing it where we adjusted our visitation order according to where it says in the order that we can do that. Section 2.3 on page 3 of our

visitation order that it says here, "The parties, by written agreement, shall have the right to alter, modify and otherwise arrange for other specific physical possession periods other than those shown above and on such terms and conditions are conducted to the best interest and welfare of the child."

And on October 16 of 2014 Kevin signed this alteration stating that his mother was dramatic and hostile and unhealthy for our daughter to be around, and he signed his signature stating that he was going to keep her away from his mom's house for the best interest of the minor child. And since the fact, your Honor, he has continued to take Madeline over there despite his admittance to it being not conducted to her best interests.

And since the fact, your Honor, his mother has put a no trespassing order on me so that she can hide my own child from me. I have a no trespassing order here where she states that I'm interfering with her visitation and she has no right to conceal my child from me and Kevin, Mr. Kramer, has no right to endorse that improper concealment of the minor child. Especially at a place where he said was unhealthy for Madeline Kramer to be, and this is my biggest concern is Madeline being at that residence, your Honor.

THE COURT: Anything else you want me to know,

ma'am?

MS. EICKMEIER: No, your Honor.

THE COURT: Okay. Mr. Steele, cross.

CROSS-EXAMINATION

BY MR. STEELE:

Q In your records from the hospitals, do you have the report of Pediatric Resource Center dated February 18, 2015?

A No, I don't.

Q You did take her down to the Pediatric Resource Center in February 18, 2015, did you not?

A I did.

Q And you had her examined at that time?

A Correct. But that was five days after my initial seeing her symptoms when I got in contact with the hospital. This event you're talking about occurred five days after the minor child was showing symptoms. So by the time she was examined on that date, her symptoms were no longer present at that time.

Q And were there recommendations that you avoid new laundry detergent? Did they recommend that to you at that time?

A I mean, that's just the common --

Q That was a cause of the rash? Did they tell you that at that time?

A No.

Q They did not recommend that you avoid new laundry detergent?

A She did have a rash because of laundry detergent but that was not what I took her to the hospital for.

Q Did they also recommend that you have her immunized?

A They did not discuss that with me.

Q And they also recommend you follow-up with a primary care provider for routine childhood care. Those were their recommendations to you, were they not?

A I don't think we really discussed that while we were there.

Q You did not get a copy of this report?

A No, I didn't.

Q Now, you reported this to DCFS, did you not?

A I did not. I do believe the hospitals got in touch with them.

Q And you were interviewed by Jennifer Lewis?

A She did come to my house and speak with me but I don't believe it was a professional interview.

Q Is it not a fact that the DCFS allegations which you are now putting into your Order of Protection were returned unfounded?

A That is correct but I do believe DCFS is under-resourced because I took the minor child to Edwards Hospital in Naperville where they have an FBI licensed sexual abuse pediatrician and they immediately got in contact with DCFS, filed me legal papers immediately. They were the most professional and helpful sexual abuse facility I had taken Madeline Kramer to.

MR. STEELE: I'm going to object to this --

MS. EICKMEIER: And DCFS --

MR. STEELE: -- as not responsive to my question which was was it returned unfounded and --

MS. EICKMEIER: Well, DCFS --

THE COURT: Just a minute, ma'am, you can't interrupt him when he's talking.

MR. STEELE: And, now, of course, you're getting into hearsay.

THE COURT: Well, how's what her hearsay different than the hearsay you've been asking her for the last five minutes? You asked her about all these medical reports in Peoria and that's all hearsay, too.

MR. STEELE: Well, no, your Honor, I'm asking her if she recalls that conversation because she was present at that conversation.

THE COURT: I do agree that the answers were

nonresponsive to your questions so I'll sustain it for that, but I would prefer that everybody avoid hearsay as opposed to just Miss Eickmeier. Go ahead and ask your next question.

BY MR. STEELE:

Q Did you have a conversation on February 18 with Molly Hogmatrix and Dr. Petrak of the Pediatric Resource Center regarding these allegations?

A I do believe those were the doctors that were present.

Q And were you told by those doctors at that time that redness in the genitalia is not specific for sexual abuse?

A They said it's neither. They can neither confirm nor deny. It's unspecified. Meaning, it could be but it's not enough evidence to prove. They need more evidence like bruising or bleeding. But just because it's lesser symptoms doesn't mean that that's not what's happening.

Q So you were told that at that time?

A Yeah.

Q And you've been told that by other hospitals, too?

A Right.

Q And you've also been told by other hospitals that soap or detergents can cause rashes? You've been told that numerous times by Mendota, by Peoria, by Perry Memorial, all

these hospitals have told you that these are all symptoms of other factors?

A Well, I have talked with Kevin Kramer to make sure that when --

Q No. No, I'm asking you a question. Haven't you been told by at least three or four hospitals that all --

A I don't understand.

Q -- these things you're complaining of --

THE COURT: Just a minute. You can't interrupt in the middle of his question. Counsel has the right to ask questions. You can't talk over each other because the young lady ahead of you writes everything you say and her job gets very difficult when two people talk at once.

So, Mr. Steele, finish your question and then you answer, ma'am.

BY MR. STEELE:

Q You've been told by three or four hospitals that all these symptoms you're complaining of can be related back to other factors such as laundry detergents, diaper rash and you continue to make these complaints?

A Right. Because they're only present after she's been with Mr. Kramer. These signs and symptoms.

Q Now, did the police file any criminal charges against Mr. Kramer?

A Are they?

Q You've made several police reports. Have you had any criminal charges filed against him?

A No.

MR. STEELE: That's all the questions I have of this witness, your Honor.

THE COURT: Anything else, ma'am?

MS. EICKMEIER: As far as Mr. Steele?

THE COURT: Yeah, you can rebut anything he asked you or explain anything more of what he asked you. Anything else you want me to know?

MS. EICKMEIER: I would like you to know that DCFS is not aware of professional sexual abuse investigation facilities in the State of Illinois that I have taken Madeline Kramer to. They denied the existence of Edwards Hospital in Naperville. So due to their lack of resources, I'm not sure that they're really a credible, professional source.

THE COURT: Anything else, ma'am?

MS. EICKMEIER: The laundry soap thing, me and Mr. Kramer have agreed to use all the same products. I've made sure that we use the same soap, diapers, wipes, to make sure like nothing like that is a factor. There was only one time when I got laundry soap and it did give Madeline dryness on

her arms. But that is not what she went to the hospital to get examined for. That is not what caused the rash five days prior. That laundry soap was used the day prior to that five-day later examination.

And, also, when Madeline Kramer has been watched by anyone else, she has never come back displaying any of these signs to her genitalia which is why I am concerned. That it's only happening after she's with Mr. Kramer. Me and Mr. Kramer have had concerns with his mom's care to the minor child, Madeline, perhaps her be the one causing this and that's why Kevin signed this adjustment to keep Madeline away from her cause his mom is abusive and controlling to Mr. Kramer. He can't stand up to his mom so he thought if he signed this with me, he would be able to follow what's in the best interest for Madeline more instead of trying to make his mom happy.

His mom tries hiding my child from me at her house with a no trespassing order instead of, basically, talking about the matters at hand. Me and Kevin Kramer have both asked her to change her care techniques to the minor child Madeline. She was wiping too hard, pressing with extreme force when changing her diaper which is -- I believe was causing these symptoms and she refused to stop that behavior despite me and Kevin both asking her to stop and we are her

parents. This lady has no right to enforce her damaging will upon our child and even have a no trespassing order so she can continue this behavior. My daughter continues to show these signs of abuse after I get her back from Kevin and his mom.

THE COURT: Okay. Thank you, ma'am. Anything else?

MS. EICKMEIER: No.

THE COURT: Thank you. You may step down.

(Witness excused.)

THE COURT: Do you have any other witnesses or evidence, ma'am?

MS. EICKMEIER: Not today, your Honor.

THE COURT: All right. Thank you. So you rest?

MS. EICKMEIER: I rest.

THE COURT: Counsel.

MR. STEELE: I'd move to dismiss the Order of Protection at this time to any of the allegations of sexual abuse. She's failed to meet the burden of proof. She's plainly indicated that any symptoms she's talked about are not necessarily indicative of sexual abuse. Nor has she indicated in any way how Mr. Kramer sexually abused the child. It's simply speculation at barest part type without any evidence at all.

We've had investigations by the police, by DCFS always returning these allegations as being unfounded. The Court's heard this before back in March of this year. Basically, the same thing we're hearing again today. So I would ask that -- she's failed to meet her burden of proof -- that her Order of Protection be dismissed at this time.

THE COURT: Ma'am, what's your response?

MS. EICKMEIER: Can I question the defendant, your Honor?

THE COURT: Well, you've rested, ma'am.

MS. EICKMEIER: I've rested from my -- what I was doing up there.

THE COURT: Well, rested means that you had no more evidence to present.

MS. EICKMEIER: Well, I mean, I'd like to cross-examine the defendant.

THE COURT: You want to call Mr. Kramer as a witness?

MS. EICKMEIER: Yes, your Honor.

THE COURT: Well, it's unorthodox cause usually when I ask if you have anymore evidence and you say no -- here's the situation we're in. Because you're pro se, obviously, you know, the Court understands there's some latitude that has to be given. I have two other matters I

need to do now. The people have been waiting. We're not going to finish this now under the circumstances because I have felony cases I have to go do this afternoon. If you want to call Mr. Kramer as a witness, you have that ability and I would allow you to do that because I understand since you're pro se, you don't understand all the rules the way they work. But if you want to call Mr. Kramer, I'll give you that chance. Do you want to call him as a witness?

MS. EICKMEIER: Can I just make a request to see if they would agree to it, your Honor?

THE COURT: Well, at this point we're in the middle of a trial. It's a bit unusual for you to engage in settlement discussions. Let's do this. Let me take a quick break from this case. You can talk to Mr. Steele. Let me prove-up my other case because they've been waiting since 9:30 and they have an agreement. And then after I do that, we'll bring you back in and we'll see where we're at.

MS. EICKMEIER: Okay.

THE COURT: Okay. But I have, as I've said, many cases on my docket and the one that has been waiting for you has actually been pending longer than yours. So the only reason that you went first is because they were working on their agreement. So this agreement should not take very long for me to prove-up. I'll have you come back in, hopefully,

within five or ten minutes.

MS. EICKMEIER: Okay. Thank you, your Honor.

(Recess taken.)

(Court reconvened after recess.)

THE COURT: We're back in court on Julia Eickmeier v. Kevin Kramer. It's 2014-OP-37. Miss Eickmeier is present pro se. Mr. Kramer's present with his attorney. We took a break because she wanted to talk with Mr. Steele, and I handled an agreement on a prove-up on a family law divorce case.

When we last were here, you were deciding if you wanted to call Mr. Kramer as a witness. Do you wish to call him as a witness?

MS. EICKMEIER: I do.

THE COURT: Then we're going to need to continue this to another day because I do not have time to finish it today. It's ten to 12. I have to do another emergency Order of Protection for someone who's been waiting in the hall for over an hour, and I have two felony cases this afternoon I have to go take care of out at the other courthouse.

MS. EICKMEIER: Your Honor, is there anyway we could get a temporary modification to the visitation order for Madeline due to the possibility of abuse and improper concealment of the minor when she's with Mr. Kramer to an

unhealthy environment?

THE COURT: Mr. Steele.

MR. STEELE: We would object.

THE COURT: Objection sustained. No, ma'am. We cannot do that. We cannot do that. That's why we have a hearing. You'd, basically, be asking me to grant the relief you wanted in the Order of Protection without a hearing. Plus, you're making an oral motion which isn't fair. Plus, this isn't the custody visitation case. This is an Order of Protection.

I'm going to continue this matter until tomorrow. I have a hearing in the morning but there's been a motion to continue filed and so this matter will be set tomorrow morning at 9:30 and I'll get to it as quick as I can depending on what happens with that other matter.

MR. STEELE: Would Friday morning work for the Court?

THE COURT: Actually, tomorrow. My problem Friday is I've got about 20 cases set. Tomorrow I have two in the morning and one of them there's a motion to continue which means I'll have time tomorrow. I cannot promise I'll have time on Friday. What do you have tomorrow that makes that impractical?

MR. STEELE: Bureau County small claims call.

THE COURT: What time?

MR. STEELE: It starts at nine.

THE COURT: When does it end? Does it go until lunch?

MR. STEELE: It goes pretty much til lunch and then I'm supposed to be in Lee County in the afternoon. I've got a trial up in Lee County which I probably need to cover myself.

THE COURT: I'll set it Friday but I cannot guarantee that you'll be able to do anything but I want -- I would prefer to get this done sooner rather than later.

MR. STEELE: I agree. I agree, Judge.

THE COURT: I'll do it at 1:30 on Friday.

MR. STEELE: Well, we can do --

THE COURT: I recognize that you have scheduling issues but so do I.

MR. STEELE: No, I can probably send Jason to Bureau County. I'll come tomorrow morning, Judge. I want to get this done with.

THE COURT: Okay.

MR. STEELE: But I want to start on time.

THE COURT: Well, I have a hearing set that there's a motion to continue on so --

MR. STEELE: I'm just concerned about the

petitioner has never been on time for this case yet.

THE COURT: Oh, I see. Well, I'm going to set it tomorrow morning at 9:30 and, hopefully, you know, we'll get started as soon as I know what's going to happen with my other case.

Can I have both parties sign this to show they got a copy? Okay. You'll both get copies and I'll see everybody tomorrow. Thank you.

(Which is all of said proceeding held in said cause on said date.)

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT

LASALLE COUNTY, ILLINOIS

CERTIFICATE OF REPORTER

I, Cindy M. Forth, CSR #084-002530, an Official Court Reporter for the Thirteenth Judicial Circuit of the State of Illinois, reported in machine shorthand the proceedings had on the hearing in the above-entitled cause and transcribed the same which I hereby certify to be a true and accurate transcript of the proceedings had in this cause.

Cindy M. Forth

Cindy M. Forth, C.S.R.
Official Court Reporter

Dated this 24th day
of August, 2016.